

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

ACADEMY OF ALLERGY & ASTHMA	§	
IN PRIMARY CARE and UNITED	§	
BIOLOGICS, LLC D/B/A UNITED	§	
ALLERGY SERVICES.	§	
	§	
Plaintiffs,	§	
	§	
v.	§	
	§	CIVIL ACTION NO.
SUPERIOR HEALTHPLAN, INC. and	§	5:17-CV-01122-FB (HJB)
CENTENE CORP.	§	
	§	
Defendants.	§	

PLAINTIFFS' DESIGNATION OF TESTIFYING EXPERTS

Plaintiffs Academy of Allergy & Asthma in Primary Care (“AAAPC”) and United Biologics, LLC d/b/a United Allergy Services (“UAS”) (collectively “Plaintiffs”) hereby file this designation of testifying experts.

Concurrent with this filing, Plaintiffs are serving on Defendants, but will not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B). Plaintiffs reserve the right to supplement these disclosures and designate additional experts after the conclusion of depositions and as additional facts are learned in discovery.

Plaintiffs designate the following experts:

1. Michael D. Miscoe, JD, CPC, CASCC, CUC, CCPC, CPCO, CPMA, CEMA, AAPC Fellow
Practice Masters, Inc.
1032 Peninsula Drive
Central City, PA 15926
(814) 754-1550

Mr. Miscoe is expected to express the opinions described in his report, and the basis and reasons for Mr. Miscoe’s opinions and the data and other information considered by Mr. Miscoe

in forming those opinions are also described in the contemporaneously served report. Mr. Miscoe's qualifications, including a list of all publications authored in the previous 10 years, as well as a list of all other cases in which Mr. Miscoe has testified as an expert at trial or by deposition during the previous 4 years, have previously been provided. The compensation to be paid for Mr. Miscoe's work and testimony is described in the report.

2. Dr. Donald House, Sr.
RRC, Inc., President
3000 Briarcrest Drive Suite 600
Bryan TX 77802
(979) 774-4477

Dr. House is expected to express the opinions described in his report, and the basis and reasons for Dr. House's opinions and the data and other information considered by Dr. House in forming those opinions are also described in the contemporaneously served report. Dr. House's qualifications, including a list of all publications authored in the previous 10 years, as well as a list of all other cases in which Dr. House has testified as an expert at trial or by deposition during the previous 4 years, have previously been provided. The compensation to be paid for Dr. House's work and testimony is described in the report.

3. Jonathan M. Orszag
Senior Managing Director
Compass Lexecon, LLC
2029 Century Park East, Suite 1280
Los Angeles, CA 90067
(310) 728-2022 main

Mr. Orszag is expected to express the opinions described in his report, and the basis and reasons for Mr. Orszag's opinions and the data and other information considered by Mr. Orszag in forming those opinions are also described in the contemporaneously served report. Mr. Orszag's qualifications, including a list of all publications authored in the previous 10 years, as well as a list of all other cases in which Mr. Orszag has testified as an expert at trial or by

deposition during the previous 4 years, have previously been provided. The compensation to be paid for Mr. Orszag's work and testimony is described in the report.

4. Casey Low
Dillon J. Ferguson
Pillsbury, Winthrop, Shaw, & Pittman, LLP
401 Congress Ave., Suite 1700
Austin, TX 78701
(512) 580-9600

In accordance with the local rules, and to the extent testimony becomes necessary for a post-judgment proceeding, Plaintiffs will call witnesses regarding the reasonableness of any attorney's fees. Mr. Low and Mr. Ferguson may testify regarding the reasonableness of any party's claims for attorneys' fees and expenses in connection with this litigation. Mr. Low and Mr. Ferguson will testify on the basis of their experience, education, and training, their knowledge of the instant litigation, their knowledge of the market for legal services in the relevant specialties and geographic area(s), and any evidence which may be presented in connection with Plaintiffs' claims for attorneys' fees and expenses. Plaintiffs reserve the right to update this disclosure as it is premature under the local rules but provided only out of caution.

This description of UAS's expert's expected testimony is intended to be general, not exhaustive. All designated experts may testify concerning the evidence and testimony presented by the parties and any of their witnesses.

In addition, it is anticipated that some fact witnesses not retained or specially employed for the purpose of rendering expert testimony on behalf of Plaintiffs may give testimony in the nature of an opinion or a combination of fact and opinion testimony in their respective disciplines, and that such testimony would be based on their education, experience, and training. These witnesses include:

1. Dr. Frederick Schaffer

c/o Casey Low
Pillsbury, Winthrop, Shaw, & Pittman, LLP
401 Congress Ave., Suite 1700
Austin, TX 78701
(512) 580-9600

Dr. Schaffer is a practicing allergist who also served as Chief Medical Officer for UAS for many years. He may offer opinion testimony regarding the efficacy and safety of UAS's allergy testing and treatment protocols as well as studies conducted to validate the efficacy and safety of the same, which have been produced in this case. In particular, it is expected he will testify that UAS allergy testing and treatment protocol's is safe and effective. He may also offer opinion testimony regarding the safety associated with home administration of immunotherapy in certain cases, and that allergists commonly allow for such administration of immunotherapy with their own patients. He may also offer opinions regarding the reading and interpretation of skin prick test results and prescription of allergen immunotherapy.

DATED: September 8, 2020.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

By: /s/ Casey Low
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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiffs' designation of testifying experts been served on all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2) on September 8, 2020.

/s/ Casey Low
Casey Low

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